

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

MARKE CLARKE,

Defendant.

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ORDER

16 Cr. 212 (LAK)

LEWIS A. KAPLAN, U.S.D.J.:

WHEREAS, by Order dated November 5, 2021 (the "November 5, 2021 Order"), this Court concluded, pursuant to 18 U.S.C. § 4241(d), that defendant Mark Clarke was suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to assist properly in his defense;

WHEREAS, in the November 5, 2021 Order, this Court ordered, *inter alia*, that the defendant be committed to the custody of the Attorney General to be hospitalized in a suitable facility for such a reasonable period of time, not to exceed, four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future the defendant will attain the capacity to permit proceedings to go forward;

WHEREAS, while awaiting transfer to the Federal Medical Center - Butner, the defendant was housed at the Essex County Correctional Facility ("Essex") in the custody of the United

States Marshals from November 5, 2021 until this Court ordered the defendant released on March 17, 2022;

WHEREAS, the Court has reviewed the Psychological-Legal Report of Cheryl Paradis, Psy.D., dated April 5, 2022, which concludes that the defendant "is not currently suffering with a mental disease/defect which renders him mentally incompetent to the extent that his is unable to understand the nature and consequences of the proceedings against him or assist in his defense";

WHEREAS, on or about April 6, 2022, the Court held a hearing to, *inter alia*, determine the competency of the defendant pursuant to 18 U.S.C. § 4241(e);

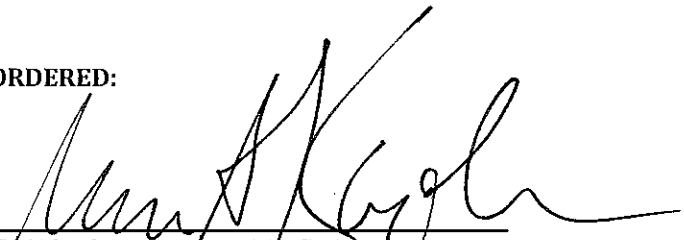
WHEREAS, for the reasons stated on the record during the April 6, 2022 hearing, including the Court's review of the written report furnished by Dr. Paradis, the Court's observations of the defendant during the April 6, 2022, hearing, the representations of the defendant's counsel during the April 6, 2022, hearing, and the representations of United States Probation during the April 6, 2022 hearing, the Court concluded, by a preponderance of the evidence pursuant to 18 U.S.C. § 4241(e), that the defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense.

IT IS HEREBY ORDERED, consistent with the Court's ruling at the April 6, 2022, hearing, pursuant to 18 U.S.C. § 4241(e),

that the pending violation of supervised release specifications
may proceed to be adjudicated.

Dated: New York, New York
April 6, 2022

SO ORDERED:



THE HONORABLE LEWIS A. KAPLAN
UNITED STATES DISTRICT JUDGE